

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

RUTH C. COLEMAN,)	8:13CV82
)	
Plaintiff,)	
)	
v.)	MEMORANDUM
)	AND ORDER
CORRECT CARE SOLUTIONS,)	
)	
Defendant.)	

This matter is before the court on its own motion. On October 11, 2013, this court ordered Plaintiff to show cause why this matter should not be dismissed for her failure to file suit within 90 days of her receipt of a right-to-sue letter from the Equal Employment Opportunity Commission (“EEOC”).¹ (Filing No. [8](#) at CM/ECF p. 1.) The court gave Plaintiff until October 31, 2013, to show that equitable or exceptional circumstances exist that warrant tolling of the 90-day period. (*Id.*) The court warned Plaintiff that failure to do so would result in this matter being dismissed without further notice.

On October 18, 2013, Plaintiff filed a response to the court’s Memorandum and Order in which she reiterated that she was subjected to age discrimination. (Filing No. [9](#).) She does not set forth any facts or arguments to show that equitable or exceptional circumstances exist that warrant the tolling of the 90-day period. As such, because Plaintiff failed to file suit within 90 days of her receipt of a right-to-sue letter, and because she failed to show that equitable or exceptional circumstances exist that warrant tolling of the 90-day time period,

¹This court’s records reflect that Plaintiff received her right-to-sue notice on January 12, 2012 (see Filing No. [9](#) at CM/ECF p. 4), and she filed this suit more than one year later on March 12, 2013 (see Filing No. [1](#)).

IT IS THEREFORE ORDERED that:

1. Plaintiff's claims are dismissed with prejudice. See [*Stewart v. Ragon*, 447 Fed.Appx. 756 \(8th Cir. 2012\)](#) (affirming district court's pre-service dismissal, *with prejudice*, where Plaintiff failed to show cause why matter should not be dismissed for failure to file suit within 90 days of receipt of right-to-sue letter from EEOC).

2. A separate judgment will be entered in accordance with this Memorandum and Order.

DATED this 16th day of December, 2013.

BY THE COURT:

s/ John M. Gerrard

United States District Judge

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